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November 20, 2024

By ECF and Facsimile

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Kristi Jordan v. Crunch, LLC*, No. 1:24-cv-7118
Unopposed Letter Motion for Extension of Time to Respond to Amended
Complaint and to So-Order Briefing Schedule

Dear Judge Hellerstein:

We represent Defendant, Crunch, LLC in the above-referenced action. Pursuant to Rule 7.1(d) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York and Rule 1(D) of this Court's Individual Rules, we write to request that Defendant's deadline to respond to the Amended Complaint (ECF No. 5), currently November 25, 2024, be adjourned *sine die* pending resolution of Defendant's forthcoming motion to compel arbitration. The parties continue to meet and confer on the motion to compel arbitration and related matters. Plaintiff consents to this request.

This is Defendant's second request for an extension of its deadline to respond to the Amended Complaint and, given the parties' ongoing discussions and the short extension requested herein, Defendant respectfully submits that there is good cause for the additional extension. Previously, the Court granted Defendant's request to extend this deadline from October 15, 2024 to November 25, 2024 (ECF No. 10). At present, there is a status conference with the Court currently scheduled for January 14, 2025. We take no position and respectfully defer to the Court as to whether this conference should proceed as scheduled.

Additionally, we request, again with Plaintiff's consent, that the Court so-order the following briefing schedule on Defendant's forthcoming motion to compel arbitration:

SIDLEY

Page 2

- Defendant's Motion to Compel Arbitration: due December 6, 2024, or within 14 days of the Court so-ordering this briefing schedule, whichever is later;
- Plaintiff's Opposition to the Motion to Compel Arbitration: due January 20, 2025;¹
- Defendant's Reply in Support of its Motion to Compel Arbitration: due February 3, 2025.

Thank you for the Court's attention to this matter.

Respectfully submitted,

/s/ Ian M. Ross

Ian M. Ross

Counsel for Crunch, LLC

cc: Counsel of record (via ECF)

¹ Plaintiff reserves the right to seek leave from the Court to serve limited discovery relating to arbitrability on the subject of contract formation after receiving Defendants' Motion to Compel Arbitration. Such discovery may necessitate amending this schedule to extend the time for Plaintiff to file its Opposition brief. Defendant reserves the right to oppose that discovery.